

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

HEATHER L. HAMPSEY,)	
)	
Plaintiff,)	
)	
vs.)	
)	
GUY NASELLO, Individually,)	
)	
RAIL LOGISTICS, INC., a Corporation,)	CAUSE NO. 05-920-MJR
)	
DAVID MAHANEY, Individually,)	
)	
NORFOLK SOUTHERN RAILWAY)	
COMPANY,)	
)	
Defendants.)	

ORDER

Before the Court is "Plaintiff's Motion for Leave to Amend Complaint under 735 ILCS 5/2-616(a),(d)." (**Doc. 9**). Plaintiff has learned that named and served defendant Railway Logistics Services, Inc., is a fictitious corporate name registered in Missouri, and not the corporation plaintiff intended to sue. Plaintiff now desires to file an amended complaint naming Rail Logistics, Inc., an Ohio corporation, as a defendant.

IT IS HEREBY ORDERED, for good cause shown, that plaintiff's motion for leave to amend (**Doc. 9**) is **GRANTED**. Plaintiff shall file her amended complaint on or before **March 3, 2006**.

IT IS FURTHER ORDERED that, after consultation with U.S. District Judge William D. Stiehl, all pending motions directed to the original complaint are rendered **MOOT**. Accordingly, the motion of defendant Railway Logistics

Services, Inc., for dismissal with prejudice and costs (**Doc. 7**), and plaintiff's motion to dismiss Railway Logistics Services, Inc., without prejudice (**Doc. 10**), are both considered moot; costs will not be awarded to Railway Logistics Services, Inc., the Missouri fictitious corporation misnamed as a defendant in the original complaint. The motion of defendant Norfolk Southern Railway Company to dismiss or transfer this case to the Eastern District of Missouri (**Doc. 5**) is similarly rendered moot. Norfolk Southern Railway Company is free to file a similar motion directed at the amended complaint.

IT IS SO ORDERED.

DATED: February 22, 2006

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE